

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CASSIUS DALEY

Plaintiff,

[Insert full name of plaintiff/prisoner]

-against-

N.Y.C.N.Y.P.D. COMM. WILLIAM

BRATTON; 113TH PCT. DETECTIVE REBECCA

ASMAN #1356

Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ JUN 10 2016 ★

BROOKLYN OFFICE

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

CV 16 3157

JURY DEMAND

XX

YES _____ NO _____

DeARCY HALL, J.

LEVY, M.J.

I. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. **Name of plaintiff** CASSIUS DALEY #8951301097

If you are incarcerated, provide the name of the facility and address:

G.R.V.C. 09-09 HAZEN ST, EAST ELMHURST, N.Y. 11370

Prisoner ID Number: 8951301097

If you are not incarcerated, provide your current address:

N/A

Telephone Number: N/A

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

NEW YORK CITY POLICE COMM. WILLIAM BRATTON

Full Name

POLICE COMMISSIONER

Job Title

ONE POLICE PLAZA

Address NEW YORK, N.Y. 10007

Defendant No. 2

REBECCA ASMAN

Full Name

DETECTIVE 113TH precinct

Job Title

167-02 BAISLEY BLVD.

Address

Defendant No. 3

Full Name

Job Title

Defendant No. 4

Address

Full Name

Job Title

Address

Defendant No. 5

Full Name

Job Title

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur?

AT AN AFTER HOUR CLUB (TONY'S)

ILLEGAL SOCIAL CLUB

When did the events happen? (include approximate time and date)

ON APRIL 11, 2009 AT APPROXIMATELY 3:30 A.M.

Facts: (what happened?) ON APRIL 11, 2009 INSIDE OF AN ILLEGAL AFTER HOUR CLUB NAMED "TONY'S" A MAN WAS SHOT TO DEATH AT APPROXIMATELY 3:30 A.M. WHILE HE WAS PLAYING BILIARDS BY AN OUTSIDE UNKNOWN INTRUDER TO THE CLUB THAT HAD ABSOLUTELY ANYTHING TO DO WITH PLAINTIFF, CASSIUS DALEY, PRO SE. IN FACT NO ONE IN THE AFTER HOUR CLUB SAID PLAINTIFF, CASSIUS DALEY HAD ANYTHING WHATSOEVER TO DO WITH SAID MURDER, BUT THE DEFENDANT DETECTIVE REBECCA ASMAN OF THE 113TH PRECINCT, WHO HAS A HISTORY OF PLANTING MURDERS ON PEOPLE OF COLOR IN THE NEIGHBORHOOD, WHOM SHE DISLIKES FOR UNKNOWN REASONS. IN FACT SHE PREVIOUSLY ATTEMPTED TO PLACE AND BLAME A MURDER CHARGE ON MR. JAMAL SCOTT, AND HAD A MS. RAYESHA BROCKINGTON MAKE FALSE TESTIMONY AGAINST SAID MR. SCOTT, UNTIL MS. BROCKINGTON DECIDED TO TELL THE TRUTH AND NOT PERJURE HERSELF ANY FURTHER BASED ON PRESSURE TO GIVE SAID TESTIMONY BY DEFENDANT REBECCA ASMAN. IN ANY CASE A VIDEO WAS OBTAINED FROM THE CRIME SCENE, AND SOMEHOW IT PASSED THROUGH THE HANDS OF DEFENDANT REBECCA ASMAN AND WAS EDITED WITHOUT THE JUDGE'S AND/OR COURT'S APPROVAL TO MAKE IT APPEAR AS IF PLAINTIFF COMMITTED THIS CRIME VIOLATING HIS FIRST, FOURTH, FIFTH, SIXTH, EIGHTH, AND

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

PLAINTIFF HAS SUFFERED AN ENORMOUS AMOUNT OF PAIN AND SUFFERING INCLUDING, BUT NOT LIMITED TO EMOTIONAL STRESS MENTAL ANGUISH INSOMNIA, NIGHTMARES, ANXIETY, POST TRAUMATIC STRESS DISORDER (PTSD) LACKING THE NEED TO STRENGTHEN FAMILY TIES DUE TO LENGTHY INCARCERATION PANIC ATTACKS, PARANOIA, HEADACHES, ETC.

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FOURTEENTH AMENDMENT RIGHTS. WHEREAS HIS FREEDOM OF SPEECH, PROBABLE CAUSE, AND DUE PROCESS RIGHTS WERE VIOLATED THROUGH THE VERY ACTIONS, AND ILLEGAL MOTIVES WARRANTED BY DEFENDANT DETECTIVE, DEFENDANT REBECCA ASMAN, WHO ESSENTIALLY IS PORTRAYING THE ROLE OF JUDGE, AND JURY IN THIS ONGOING CRIMINAL MATTER THAT JUSTICE IS NOT SEEKING AND DEVELOPING ALONG THE LINES OF EQUAL JUSTICE, AND THE BALANCE OF SAID SCALE IS NOT TILTED WHERE IT IS CAUSING THE DETECTIVES ACTIONS TO BE DELIBERATE, AND SUBJECTING PLAINTIFF TO CRUEL, AND UNUSUAL PUNISHMENT IN DIRECT VIOLATION OF HIS EIGHTH AMENDMENT RIGHT OF THE UNITED STATES CONSTITUTION. THE PLAINTIFF HAS NOT BEEN BEFORE ANY GRAND JURY TO GIVE TESTIMONY NOR DID HE REFUSE TO FORFEIT SAID RIGHT, BUT THE DISTRICT ATTORNEY BEYOND ANYONE'S KNOWLEDGE PRESENTED A DEFECTIVE INDICTMENT TO THE COURT THAT DOES NOT BEAR THE

ORIGINAL SIGNATURE OF THE FOREMAN, NOR DOES IT HAVE THE COURT'S OFFICIAL SEAL. THE COURT HELD THAT DEFENDANT'S CONVICTION HAD TO BE REVERSED AND THE INDICTMENT DISMISSED BECAUSE THE# WEVIDENCE BEFORE THE GRAND JURY FAILED TO MEET STANDARDS, AND THE PROSECUTOR KNEW THAT WHEN HE PERMITTED THE COURT TO TAKE DEFENDANT'S PLEA TO THE FULL INDICTMENT. THE PLAINTIFF HAVING PTREVIOUSLY HAD A TRIAL THAT SHOULD AND COULD HAVE ACQUITTED HIM OF THESE CHARGES HAD THE OUDGE DURING DELIBERATIONS WHEN THE JURY INQUIRED THE MEANING OF BEYOND A REASONABLE DOUBT GAVE THE PROPER INSTRUCTIONS AFTER THE MEANING TO SAID JURORS INSTEAD OF DECLAINING A MISTRIAL WOULD HAVE CHANGED THE OUTCOME OF THE VERDICT ACQUITTING PLAINTIFF, CASSIUS DALEY, PRO SE, OF ALL CHARGES. THIS IN ITSELF VIOLATED PLAINTIFF'S FOURTEENTH AND FIFTH AMENDMENT RIGHTS, AND CONSTITUTES LEGAL MALPRACTICE, AND NEGLIGENCE ALIKE WHERE THE JUDGE AT TRIAL OPERATED OUTSIDE THE CONFINES OF HIS JUDICIAL AND GOVERNMENT DUTIES THAT CAUSED GREAT BIAS AND PREJUDICE TOWARDS PLAINTIFF IN HAVING A FAIR IMPARTIAL TRIAL BY JURY. TOGETHER WITH THE MISCONDUCT PERFORMED BY THE DEFENDANT DETECTIVE REBECCA ASMAN ACTING IN CONCEDRT WITH DISTRICT ATTORNEY

STATEMENT OF CLAIM PAGE (3)

IN THE EDITING AND RECYCLING OF THE VIDEO FOOTAGE FROM THE CRIME SCENE IS IN FACT A FORM OF WIRE FRAUD IN ATTEMPTING TO CONVICT AN INNOCENT MAN IN THE EYES OF JUSTICE. A VIEWING OF SAID VIDEO WILL NOT COINCIDE WITH THE REPORTS AND TESTIMONIES GIVEN IN THIS CASE BY THIS VERY COURT, AND OBJECTION WILL BE MADE THERETO. PLAINTIFF WAS IN CUSTODY IN NASSAU COUNTY AT THE TIME OF THIS ARREST ON UNRELATED CHARGES. HE WAS TAKEN TO QUEENS SUPREME COURT AND INDICTED WITHOUT APPEARING AND/OR SIGNING A WAIVER THEREOF NOT TO APPEAR BEFORE SAID GRAND JURY. PLAINTIFF WAS IN FACT NEVER GIVEN HIS MIRANDA RIGHTS WARNING BY THE ARRESTIN DEFENDANT DETECTIVE REBECCA ASMAN, BUT TAKEN RIGHT INTO CUSTODY, AND STRAIGHT TO QUEENS SUPREME COURT WITHOUT QUESTIONING. HE REAL PROBLEM WE HAVE IN NEW YORK CITY IS THAT POLICE OFFICIALS IGNORE POLICIES LIKE THIS INSTEAD TRET PHOTOGRAPHYAS A THREAT AS HIGHLIGHTED BY THE NEW YORK CITY POLICE COMMISSIONER DEFENDANT WILLIAM BRATTON IN A RECENT ARTICLE BY THE DAILY NEWS, AND CHRIATOPHER DUNN OF THE NEW YORK CIVIL LIBERTIES UNION. A DEFENADNT APPEALED ON THE BASIS THAT THE INDICTMENT WS FATALLY DEFECTIVE. DISATRICT ATTORNEY'S FAILURE TO ADVISE THAT DEFENDANT'S INDICTMENT WAS BASED ON FALSE, MISLEADING, AND LEGALLY INSUFFICIENT EVIDENCE VIOLATED DEFENDANT'S RIGHTS AND REQUIRED THAT HIS GUILTY PLEA BE VACATED, AND CHARGES AGAINST HIM BE DISMISSED. (62 N.Y.2d 97; 464 N.E.2d 447; 476 N.Y.S.2d 79; 1984). THERE IS A PART OF THE LAW AND HISTORY THAT WE HAVE TO STOP JUDICIAL OFFICIALS FROM OPERATING OUTSIDE THE CONFINES OF THE LAW THAT UPHOLDS ONE'S CONSTITUTIONAL RIGHTS TO THE HIBHEST STANDARDS OF THE LAW WHERE NO ONE IS EXEMPT FROM SAID LAWS OF OUR LAND THE UNITED STATES. THE DEFENDANT NEW YORK CITY POLICE COMMISSIONER WILLIAM BRATTON HAS LIABILITY AS A MUNICIPAL PARTY IN THAT DURING THE TENOR OF THE DEFENDANT DETECTIVE REBECCA ASMAN'S TRAINING IN THE ACADEMY HE DID NOT EQUIP TEACH AND OR TRAIN THIS DEFENDANTY HOW TO CONDUCT THOROUGH INVESTIGATIONS ON PROTOCOL IN THE HANDLING OF EVIDENCE INCLUDING VIDEO FOOTAGE WITHOUT

THE USE OF UNLAWFUL EDITING TO DEPICT SCENES FROM SAID VIDEO THAT WOULD QUESTION THE INNOCENCE OF THE PLAINTIFF. THE POLICE ARE ALSO PART OF THE PROSECUTION, AND THE TAINT ON THE TRIAL IS NO LESS IF THEY, RATHER THAN THE STATE'S ATTORNEY WERE GUILTY OF THE FRAUDULENT DISCLOSURE. ALL EVIDENCE PERTAINING TO A CRIME SCENE SHOULD BE AT ALL TIMES KEPT IN THE ORDER THAT IT WAS COLLECTED. PLAINTIFF HAS THIS RIGHT BEYOND A REASONABLE DOUBT CONSISTENT WITH THE FOURTEENTH AMENDMENT DUE PROCESS RIGHTS OF THE UNITED STATES CONSTITUTION. TO BLEMISH, AND/OR TARNISH SAID RIGHT WITH THE LEGAL NEGLIGENCE OF TAMPERING WITH EVIDENCE SCRUTINIZES YOUR ABILITY TO BE IMPARTIAL GIVEN A TRIAL BY PLAINTIFF'S PEERS. THE LAW OF THE LAND IS CLEAR IN DETERMINING ONE'S INNOCENCE WHEN PROPER PROCEDURES ARE DULY FOLLOWED. PLAINTIFF IS ENTITLED TO THE RELIEF OUTLINED IN THIS COMPLAINT, AND AN IMPARTIALITY OF JUSTICE IN HIS CRIMINAL MATTER WHEN THE DEFENDANT'S DETECTIVE REBECCA ASMAN'S PROFESSIONAL MISCONDUCT IS RECTIFIED AS A MATTER OF LAW AND INVESTIGATIVE TACTICS TO PROMOTE JUSTICE IN THE INTEREST OF JUSTICE SO THERE WILL NOT EXIST A MISCARRIAGE OF JUSTICE MOST FAVORABLE TO THE PLAINTIFF NAMED HEREIN.

STATEMENT OF FACTS
(b)(7)(D) (b)(7)(F) (b)(7)(G) (b)(7)(H) (b)(7)(I) (b)(7)(J) (b)(7)(K) (b)(7)(L) (b)(7)(M) (b)(7)(N) (b)(7)(O) (b)(7)(P) (b)(7)(Q) (b)(7)(R) (b)(7)(S) (b)(7)(T) (b)(7)(U) (b)(7)(V) (b)(7)(W) (b)(7)(X) (b)(7)(Y) (b)(7)(Z)

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III. Relief: State what relief you are seeking if you prevail on your complaint.
PLAINTIFF SEEKS PAIN AND SUFFERING DAMAGES FROM EACH DEFENDANT IN

THEIR INDIVIDUAL AND JUDICIAL AND OFFICIAL CAPACITY IN THE AMOUNT OF
TWO(2) MILLION DOLLARS, PLAINTIFF ALSO SEEKS EMOTIONAL STRESS AND

MENTAL ANGUISH DAMAGES FROM EACH DEFENDANT IN THEIR INDIVIDUAL, AND

JUDICIAL AND OFFICIAL CAPACITY IN THE AMOUNT OF TWO(2) MILLION DOLLARS,

FINALLY PLAINTIFF SEEKS PUNITIVE DAMAGES FROM EACH DEFENDANT IN THEIR

INDIVIDUAL JUDICIAL AND OFFICIAL CAPACITY IN THE AMOUNT OF THREE(3)
MILLION DOLLARS FOR A SUBTOTAL OF TWELVE(12) MILLION DOLLARS.

I declare under penalty of perjury that on JUNE 2, 2016, I delivered this
(date)
complaint to prison authorities at G.R.V.C. to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: JUNE 2, 2016



Signature of Plaintiff

Name of Prison Facility or Address if not incarcerated
09-09 HAZEN ST, G.R.V.C.

EAST ELMHURST, N.Y. 11370

Address

#8951301097

Prisoner ID#

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G.R.V.C.

JUNE 2, 2016

09-09 HAZEN ST, G.R.V.C.

EAST ELMHURST, N.Y. 11370

#3991301037